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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	3:93-cr-00035-HDM-1
	)	
Plaintiff,	)	
	)	ORDER
vs.	)	
	)	
MARK MURRAY,	)	
	)	
Defendant.	)	
	)	
	)	

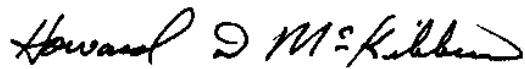
Defendant filed a successive 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence contending that his sentence should be vacated because the federal carjacking offense which served as a predicate for his 18 U.S.C. § 924(c) conviction no longer qualifies as a "crime of violence" in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015) (ECF No. 77). The government responded arguing, in part, that defendant's motion should be denied because federal carjacking does qualify as a crime of violence (ECF No. 81).

Since defendant filed his motion, the Ninth Circuit Court of Appeals issued its decision in *United States v. Gutierrez*, 876 F.3d 1254, 1257 (2017) wherein the court held that "the federal offense

1 of carjacking is categorically a crime of violence under § 924(c)."  
2 Given the binding nature of the Ninth Circuit's ruling, defendant's  
3 motion (ECF No. 77) is **DENIED**. Because the court's decision in this  
4 matter is dispositive, the court declines to address the other  
5 arguments raised in the defendant's motion and the government's  
6 response.

7 IT IS SO ORDERED.

8 DATED: This 12th day of February, 2018.

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11 UNITED STATES DISTRICT JUDGE  
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